

**Mechanicsburg Exempted Village School District
Resolution Agreement
OCR Docket #15-18-1517**

Mechanicsburg Exempted Village School District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

The District agrees to take the following actions:

Individual Remedies

1. By **November 30, 2018**, the District will convene a Section 504 team, to determine whether the Student has a mental or physical impairment that substantially limits one or more major life activities, and whether, as a result of such mental or physical impairment, XXXXX is entitled to receive a free appropriate public education (FAPE) under the Section 504 implementing regulation at 34 C.F.R. § 104.35. At a minimum:
 - a. The evaluation will be conducted by a group of persons knowledgeable about the Student, the meaning of the evaluation data, and placement options available to the District (the Section 504 team).
 - b. The Section 504 team will draw upon information from a variety of sources and document all of the information considered.
 - c. If the Student is found eligible under Section 504, the Section 504 team will determine the student's needs and placement on an individualized basis and develop a Section 504 plan, xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx.
 - d. Should the Section 504 team determine the Student is eligible under Section 504, it will consider the xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx xxxxxxxxxxxxxxx.
 - e. Should the Section 504 team determine that the Student is eligible for services under Section 504, it will determine what compensatory education or other remedial services the Student required for the xxxx-xxxx school year. The Section 504 team will develop a written plan for providing the Student with the compensatory education or other remedial services deemed necessary, and the

plan will identify the nature and amount of the services to be provided at no cost to the Student's parents, by whom, and when, and will become part of the Student's Section 504 plan.

- f. The District will invite the Student's parent(s) or otherwise provide the Student's parent(s) with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to them under 34 C.F.R. § 104.36, including their right to challenge such determinations through an impartial due process hearing should they disagree.

Reporting Requirement: By **December 7, 2018**, the District will submit to OCR documentation showing implementation of Item #1 above. The documentation should include:

- a. all relevant records of the Section 504 team meeting, including the invitation to the parent(s), the date and time of the meeting, the meeting minutes, a list of attendees, and their positions, an explanation of the eligibility determination, a copy of the Student's Section 504 plan (if applicable), and documentation of any input provided by the Student's parent(s);
- b. [X--- paragraph redacted--- X]
- c. [X--- paragraph redacted--- X]
- d. documentation demonstrating that procedural safeguards were provided to the Student's parents, and any other documentation relevant to the determinations reached in accordance with Item #1 above.

[X--- paragraph redacted--- X] OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

By **February 1, 2019**, [X--- paragraph redacted--- X]

District Remedies

2. By **February 1, 2019**, the District will provide training by a competent authority on Section 504 on the District's obligations to students with disabilities under Section 504 to all District administrators, guidance counselors, teachers and staff. The training will include specific information on how to recognize, and identify for referral for evaluation, students with medical diagnoses. Upon request from the District, OCR may be able to provide the training. If OCR does not provide the training, the District will make arrangements for the training to be presented by an individual or group with the necessary knowledge and expertise.

Reporting Requirement: By **February 1, 2019**, the District will provide OCR with documentation showing that the District implemented Item 2. If OCR provides the Section 504 training, the District will submit: (a) records reflecting the date, time, and place of the training; and (b) a list of attendees and their position with the District. If OCR does not provide the Section 504 training, in addition to (a) and (b), the District will also submit: (c) documentation demonstrating the qualifications of the trainer(s); (d) the agenda for the training, including a detailed list of topics covered; and (e) a copy of all materials distributed or displayed at the training.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce the Agreement, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

/s/

11/9/2018

Superintendent or Designee

Date